

# Holland & Knight

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November 3, 2015

VIA ECF

Honorable Vernon S. Broderick  
United States District Judge  
United States District Court, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 518  
New York, NY 10007

Re: *In re Application of Hornbeam Corporation*,  
U.S.D.C., S.D.N.Y., 14 Misc. 424, Part 1, (VSB)

Dear Judge Broderick:

We represent applicant Hornbeam Corporation ("Hornbeam") in the above-referenced action and write to notify the Court of recent developments.

On the date of this letter, counsel for Hornbeam received Responsive Materials from Deutsche Bank Trust Company Americas ("DBTCA") in response to the subpoena Hornbeam served on DBTCA, dated January 21, 2015. A copy of that subpoena was produced to counsel for Symeou on October 7, 2015 pursuant to the Court's September 17, 2015 Memorandum & Order (ECF No. 35). Also on the date of this letter, pursuant to the September 17 Order, counsel for Hornbeam made this Responsive Material from DBTCA available to Symeou's counsel.

Pursuant to the Protective Order (ECF No. 27), Hornbeam will not disseminate the Responsive Material or information contained therein to anyone other than Shulman's Legal Team (as is defined in the Protective Order) until further Order of the Court. Hornbeam will also not use the Responsive Materials or information contained therein in any manner until further Order of the Court.

We intend to move the Court to present these records, as well as other previously obtained U.S. dollar wire transfer records, *in camera* to be used (i) in opposition to Symeou's recent motion for relief from the September 17 Order (ECF No. 40) and (ii) to support a showing of good cause to use these records in non-U.S. and other 28 U.S.C. § 1782 actions (ECF No. 35, p. 21), specifically including to be used in opposition to Symeou and Halliwell's motion for stay pending appeal of the N.D. Alabama's order denying their motion to vacate the 1782 discovery order. *See* 2:15-mc-00748-KOB, (N.D. Ala. ECF No. 47) *notice of appeal docketed* (N.D. Ala. ECF No. 54).

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We, therefore, request an urgent conference to discuss the procedure by which the Court would prefer to address this matter.

Counsel for Hornbeam would like to notify the Court that the parties have agreed that Hornbeam's response to Symeou's motion for relief from the September 17 Order (ECF No. 40) is November 10, 2015 (14 days from the date of filing Symeou's notice of supplemental authority (ECF No. 44)).

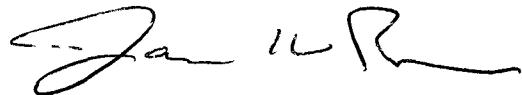
Finally, Hornbeam's position is that the September 17 Order allows for service of additional subpoenas pursuant to the Authorizing Order:

In the event Hornbeam wishes to serve any additional subpoenas pursuant to the Authorizing Order, Hornbeam shall first serve copies on its expected adversaries in the anticipated BVI proceedings and shall ensure that any responsive materials are produced to its expected adversaries at or close to the same time they are produced to Hornbeam.

(ECF No. 24, p. 21). Hornbeam intends to serve these subpoenas on the professional service providers on Friday, November 6, 2015, unless the Court Orders otherwise. Any Responsive Materials received in response to such subpoenas would be subject to the original Protective Agreement (ECF No. 27). We also bring to the Court's attention that a ruling has not yet been made on the Amended Protective Agreement.

Very truly yours,

HOLLAND & KNIGHT LLP



James H. Power

cc: All parties (*via ECF*)